UNITED
NATIONS

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General Assembly
Economic and Social Council

Distr.
GENERAL

~~A/50/78~~
~~E/1995/11~~
2 February 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
HUMAN RIGHTS QUESTIONS:
IMPLEMENTATION OF HUMAN
RIGHTS INSTRUMENTS

ECONOMIC AND SOCIAL COUNCIL
Substantive session of 1995
SOCIAL, HUMANITARIAN AND
HUMAN RIGHTS QUESTIONS:
HUMAN RIGHTS QUESTIONS

Letter dated 1 February 1995 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

I have the honour to present to you, in your capacity as depository of multilateral treaties, the position of my Government concerning document E/CN.4/1995/80 of 28 November 1994, entitled "Status of the international covenants on human rights".

The annex to that document deals with the status of succession, accession or ratification of human rights treaties by States successors to the former Socialist Federal Republic of Yugoslavia, the former Union of Soviet Socialist Republics and the former Czechoslovakia. On the list of States successors to the former Socialist Federal Republic of Yugoslavia, parties to human rights treaties, the dates of receipt of the instruments of ratification of the former Socialist Federal Republic of Yugoslavia have been indicated as the dates of receipt of the relevant instruments of the Federal Republic of Yugoslavia (Serbia and Montenegro), under the name "Yugoslavia". The Government of the Republic of Macedonia objects to this indication and regards it as a claim of the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue the personality of the former Socialist Federal Republic of Yugoslavia, including all its internal, international, legal and political aspects.

I should like to reiterate that in accordance with the relevant resolutions of the United Nations, General Assembly resolution 47/1, and Security Council resolutions 757 (1992) and 777 (1992), concerning this issue, the opinions of the Arbitration Commission of the International Conference on the Former Yugoslavia, in particular opinions No. 8, No. 10 and No. 11 (see A/48/874-S/1994/189, annex) and the general rules of international law on the succession of States, the Federal Republic of Yugoslavia (Serbia and Montenegro) is not -

and cannot be - considered the sole and automatic successor of the former Socialist Federal Republic of Yugoslavia.

My Government wishes to stress the fact that the United Nations and other organizations that belong to the United Nations system have confirmed the aforementioned legal status of the Federal Republic of Yugoslavia (Serbia and Montenegro) relating to treaties and to membership in international organizations.

Other international organizations depositaries of multilateral treaties (i.e., the World Health Organization, the Council of Europe, the Customs Cooperation Council, etc.), as well as Governments depositaries of multilateral treaties (i.e. the Treaty on the Non-Proliferation of Nuclear Weapons) have also acted in accordance with the above-mentioned United Nations decisions and international practice.

Numerous States have also accepted such general practice and in their relations with the Federal Republic of Yugoslavia (Serbia and Montenegro) they do not accept the automatic application of bilateral treaties concluded with the former Socialist Federal Republic of Yugoslavia and have terminated their application.

Having all this in mind, I should like to draw your attention to the fact that document E/CN.4/1995/80 is in clear contravention of current United Nations practice concerning the status of the Federal Republic of Yugoslavia (Serbia and Montenegro) in relation to treaties of the predecessor State. Without any legal basis it is - for the first time - listing the Federal Republic of Yugoslavia (Serbia and Montenegro) as an automatic successor to treaties of the former Socialist Federal Republic of Yugoslavia. I, therefore, deem it necessary in accordance with the aforementioned facts and argumentation that Your Excellency circulates a corrigendum to document E/CN.4/1995/80.

I should like to ask your kind assistance in circulating the present letter as a document of the fiftieth session of the General Assembly, under the item entitled "Human rights questions: implementation of human rights instruments" and of the 1995 substantive session of the Economic and Social Council, under the item entitled "Social, humanitarian and human rights questions: human rights questions".

(Signed) Denko MALESKI
Ambassador Extraordinary
and Plenipotentiary